

Mr. Francis A. Grandinetti, II, Prisoner
A-0185087 SID-HI
CCA/TCCF Contractor
295 U.S. Hwy. 49 South
Tutwiler, MS 38963-5072
Tel. (662) 345-6567.

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
(MONTGOMERY)

RECEIVED

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DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

F. Grandinetti, No. G-17-208-T

Full name and prison number of
plaintiff(s)

(aka, Francis Grandinetti, 000826 DW).
v.

CIVIL ACTION NO. 2:06CV304-T
(To be supplied by the Clerk of the
U.S. District Court)

1) Alabama DOC Inmate, 09/14/2004, male, mulatto,

2) ADOC Contractor Warden James C. Cooke,
and others, for CCA S.D.R.T. Squad.

3) Corrections Corporation of America, dba CCA;

Name of person(s) who violated
your constitutional rights.

(List the names of all the persons)
an Alabama and Mississippi Contractor.

"Imminent Injury" Complaint.
28 U.S.C. §1915(g), P.L.R.A.

Lawsuit Pursuant to 28 U.S.C. §1343,
42 U.S.C. §1983-1988, and 18 U.S.C. §241.

I. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court dealing with the same or
similar facts involved in this action? Yes (✓) No ()

B. Have you begun other lawsuits in state or federal court relating to your
imprisonment? Yes (✓) No () (See Reverse Side)

C. If your answer to A or B is yes, describe each lawsuit in the space below. (If there
is more than one lawsuit, describe the additional lawsuits on another piece of
paper, using the same outline). See reverse side, please.

- Parties to this previous lawsuit:
Plaintiff(s) Francis Grandinetti, A-0185087 SID-HI,
and others similarly situated as State of Mississippi inmates, private prisons.
Defendant(s) Deputy Sheriff Andrew Estridge, Tallahatchie County Sheriff's
Office; Jared J. Kloos, CCA/TCCF Internal Affairs Investigator; Carolyn
McGraw, Classification Officer, CCA/DOJ-BOP; County of Pinal, AZ; Stan Griffith
- Court (if federal court, name the district; if state court, name the county)
U.S. District Court, Northern District of Mississippi, Delta
Division, P.O. Box 704, Aberdeen, MS 39730. (662) 369-4952.
- Docket No. 2:04-CV-306-P-D USDC-NOMS, 10/2004 Filed.
- Name of Judge to whom case was assigned N. Allen Pepper, U.S.D.J.
J. A. Davis, U.S.M.J.

C. Section Answers, Continued:

§ A. State Court, CR 000826DW.

Stephanie D. Sims, Clerk
Circuit Court, Tallahatchie
Postal Drawer 86
Charleston, MS 38921-0086
Tel. 647-8758 / Fax 647-9405.

Judge Andrew C. Baker / Judge Denise Washington
Seventeenth Circuit Court District
Charleston, MS 38921.
Tel. 647-3586 / Fax 647-3318

(Co-case to 2:04-cv-306-P.D.) No relief or judgments entered.

§ B. Habeas Corpus From Custody (State Criminal Case):

State of Hawaii, NSF checks / False ID case, 93-141 CR,

Clerk, C. OKawa
Circuit Court of the Third Circuit
The Judiciary, State of Hawaii
75 Aupuni St.

P.O. Box 1007
Hilo, HI 96721-1007

Case: 93-141 CR, No. 26605 Hawaii Supreme Court; pendens lite.

Judge David Alan Ezra, Presiding
U.S. District Court, District of Hawaii
300 Ala Moana Blvd, Rm C-33B
Honolulu, HI 96850-0338
Telephone (808) 541-1300 / Fax: 541-1303.

Case: 2:05-CV-0254 DAE. (1:96-CV-031 DAE/FIY.)

Pending Interlocutory appeals.

§ C. other- PACER Listing, dismissed 42 U.S.C. §1983 cases, approx. 37.

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)
I dismissed 2:04-cv-306 in 2005, and appealed it to U.S. 5th Circuit.

6. Approximate date of filing lawsuit October 26, 2004, Tuesday.

7. Approximate date of disposition On Denial of Supreme Court Injunction Order, Eak 36 Doc. No. 42 and 47, January 29, 2006.

- II. PLACE OF PRESENT CONFINEMENT c/o Tallahatchie County Sheriff, Deputy Sheriff Andrew Estridge, Warden Robert J. Parker, 295 U.S. Highway 49 South, Tutwiler MS 38963.

PLACE OR INSTITUTION WHERE INCIDENT OCCURRED Tutwiler Correctional Facility, a CCA Private Prison, Tallahatchie County, Miss. 38963.

- III. NAME AND ADDRESS OF INDIVIDUAL(S) YOU ALLEGE VIOLATED YOUR CONSTITUTIONAL RIGHTS.

- | | NAME | ADDRESS (Kitchen Worker) |
|----|---|---|
| 1. | Alabama DOC Inmate ("Hop") | c/o CCA/TCCF, 295 U.S. Highway, 49 South Tutwiler, Mississippi 38963-5072 |
| 2. | Warden James C. Cooke, ADOC and HDOC Contractor | c/o Warden, CCA/TCCF P.O. Box 368 Tutwiler MS 38963 |
| 3. | ALW Jody Bradley, Oklahoma Warden Contract. | (Same as above.) |
| 4. | Sgt Leroy Mitchell, others (S.O.R.T.) | (Same as above) |
| 5. | Corrections Corporation of America | 40 Burton Hills Boulevard Nashville TN 37215 |
| 6. | City of Tutwiler, a municipality, MS. | (Same as above.) |

- IV. THE DATE UPON WHICH SAID VIOLATION OCCURRED September 14, 2004, Tuesday, at G-13, G-15, G-17 Sallyport area, G-Unit, CCA/TCCF.

- V. STATE BRIEFLY THE GROUNDS ON WHICH YOU BASE YOUR ALLEGATION THAT YOUR CONSTITUTIONAL RIGHTS ARE BEING VIOLATED:

GROUND ONE: Color of Alabama federal law, Alabama DOC policy, or Alabama-Mississippi Contract or Custom, "Multi-tasking" training.

STATE BRIEFLY THE FACTS WHICH SUPPORT THIS GROUND. (State as best you can the time, place, manner, and person involved).

Wardens Cooke and Taylor were reportedly from Alabama, or that region. They had the Alabama inmates and staff at Tutwiler Correctional Facility for about 2 years, 2002-2004. The "private prison" went by Alabama Contractor customs, training, and interaction. After the Alabama training was completed, the Hawaii inmates arrived in June, 2004; and the Hawaiians (inmates and HDOC), went by the "Alabama training" customs, under Cooke and Governor Riley's Contract, expired.

Pendant

GROUND TWO: Waiver of Mississippi federal laws, a Waiver of Mississippi County laws to federal multi-venue; Defendants' refusals to go by Mississippi state law or Mississippi 5th Circuit laws. (2:04-cv-306 through 2:06-mc-0002 USDC-MT)
 SUPPORTING FACTS: During the Plaintiff's detention, legal discovery, prosecution, and litigation, at Tutwiler Correctional Facility, the Defendants refused to abide by Mississippi Court orders, Court hearings, 42 U.S.C. §1983 cases; or MDOC policies. TCF staff refused to allow police telephone calls to the Tutwiler Police Dept. (662) 345-8321, or to the Tallahatchie County Sheriff's Office, Sumner, MS. (662) 363-1411. (CCA "law" of Tennessee is applied instead).
 GROUND THREE: Waiver of Venue Estoppels at Texas and Arizona, in favor of a "more favorable" venue: Mississippi-Alabama law. ("Old Fifth" Law)

SUPPORTING FACTS: There was such a legal concept as "Mississippi-Alabama Law" when the War Between The States or Civil War was over. "Mississippi-Alabama Law" was preemptive and valid until the Unit A and Unit B breakup of the Fifth Circuit in 1980. The defendants chose to go under this legal concept twice with the Alabama DOC Contract, 2002-2004; and with the waiver of venues at Texas, Oklahoma, and Arizona. "Old Fifth" Law governing, for the Plaintiff.

VI.

STATE BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU. MAKE NO LEGAL ARGUMENT. CITE NO CASES OR STATUTES.

- (1) The State of Mississippi and federal officials at Mississippi refuse to release the Plaintiff, however, State of Alabama or Alabama federal officials may agree to transfer Plaintiff to Alabama and release Plaintiff.
- (2) Legal, equitable, Monetary Compensation from Defendants, false arrest/detention.
- (3) Overturn the "Slavery Provision" of the U.S. Constitution. (Confederate-oriented law.)

x F. Grandinetti No. G-17-208-T
 Signature of plaintiff(s)

x Franki Grandinetti #CR 000826 DW.

I declare under penalty of perjury that the foregoing is true and correct. 28 U.S.C. §1746.

EXECUTED on April 1, 2006, Saturday.
 (date)

F. Grandinetti No. G-17-208-T
 Signature of plaintiff(s)

Application To Proceed I. F. P.

Pursuant to the In Forma Pauperis Statute, 28 U.S.C. §1915, as amended, the Plaintiff, appearing pro se, states that his Civil Rights Complaint, habeas corpus of custody, and claim for monetary damages under 42 U.S.C. §1983, is of merit for relief. He should be permitted leave to proceed, without prepayment therefor.

-3-

By: F. Grandinetti
April 1, 2006, Saturday

Ground Three, Continued.

"Old Fifth Law Claims:"

- (1) Too many Colored guards or employees at Tutwiler Correctional Facility. Approximately 100 colored/black guards/staff to 10 white guards/staff. (Medical nurses excluded.)
- (2) Non-compliance with color codes, unlawful mixing of blacks and whites. "Color codes" violations include illiterate, colored negroes, guards, telling white inmates what to do, unlawfully, without a white officer present.
- (3) Too many incidents of colored staff (black employees) adhering to
 - "Gang Codes" of law - "Crips" or "Black Gangstas"
 - Heavy usage by colored employees of vulgar words, negro hate words to plaintiff - "F-ck" "F-ck You" "White Boy" "G-d damn" "G-d damn M-ther F-cker" etc. (Alabama Supreme Court case.)
 - Negro staff sit on boxes, garbage buckets, stairs, and work under "color codes" policies. Plaintiff is white, and does not waive his white law civil rights.

Ground Four: False Arrest by an Alabama DOC inmate, False Arrest by CCA officials acting under Color of ADOC law; Sept. 14, 2004 (Warden Cooke, et al.), G-17 Sallyport area.

Warden Cooke was reportedly from Alabama; or a former ADOC Warden or Sheriff, or military employee. Cooke was training Asst. Warden Bradley, an Oklahoma official, under "Alabama Cross-Training." Alabama and Mississippi, College Sports mascots (University teams), involve Alabama paintings all over the gym walls at Tutwiler. The TCF Food service Contractor Canteen Correctional Services, still uses the "ADOC Inmate" shirts for its Kitchen workers. One of Warden Cooke's trustees, an "ADOC Inmate" working in the Foodservice Unit, made a "Trusty Arrest" on Plaintiff; and Bradley approved the "arrest" thereto. Bradley and Cooke, and a number of colored CCA guards did an "Alabama hitching" on plaintiff, by handcuffing him behind his back, putting his face on the ground (cement); and macing plaintiff three times, while kicking or beating the back of plaintiff's head, until he was unconscious. (Approx. 100 witnesses.) Plaintiff was then held under false/illegal "Klu Klux Klan" arrest for 2 years.

REQUEST FOR SERVICE

1130 pm

Inmate Name Grandinetti, F. Number A-0185787 Housing Location 118BA

To Case Manager Meiner - Notary Date 6/11/03 Sun.

Subject (State briefly the problem on which you need assistance) I need my

Notary receipt please, for 5/21/03 Wed.

appt @ 330 pm (\$1983 OK Venue Complaint.)

"Reminder".

Thank You. [Signature]

Note: If necessary, you may be interviewed in order to handle your request. Your failure to specifically state your problem may result in no action being taken.

DO NOT WRITE BELOW THIS LINE

Referred To: _____ By: _____ Date: _____

Disposition / Response _____

Addressed

[Signature]
Staff Member

6/13/03
Date

Appointment to meet with staff

Staff member name _____

Staff member signature _____

Location of meeting _____

Time _____ Date _____

If no appointment is required initial here _____

NOTE: If this area is filled out it will be your place to meet with requesting staff member at the designated time.

REQUEST FOR SERVICE

Inmate Name Francis Grandinetti Number A-018587 Housing Location 118 BA Seg
 To Warden J. F. Luna, FCC/CCA Date 02/16/2004 Mon.
 Subject (State briefly the problem on which you need assistance) Mississippi Transfers

- ① I am hearing all kinds of stories that half of the FCC Hawaiian Inmate population is going to be transferred over to Mississippi next month. Is this true?
- ② The newspapers, inmates, C.O.'s say that the "Lifers" will stay at FCC, and the Mediums, Minimums, etc. will be on the list to go to Mississippi. What happened to Elay??!
- ③ Am I on the transfer list, or assigned to FCC? Because Mrs. Kimon

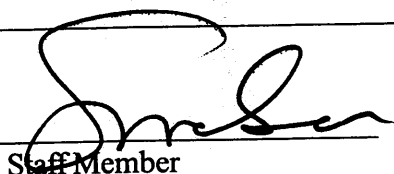
Note: If necessary, you may be interviewed in order to handle your request. Your failure to specifically state your problem may result in no action being taken. assigned me to Florence, AZ.

DO NOT WRITE BELOW THIS LINE

Thank you, J. Grandinetti

Referred To: _____ By: _____ Date: _____

Disposition / Response NOTHING KNOWN FOR SURE
AT THIS TIME


 Staff Member

2/19/04
 Date

Appointment to meet with staff

Staff member name _____

Staff member signature _____

Location of meeting _____

Time _____ Date _____

If no appointment is required initial here _____

NOTE: If this area is filled out it will be your place to meet with requesting staff member at the designated time.

MAIL ROOM**REQUEST FOR SERVICE**03/04/2004 Thursday
FE102 Pod
H8BASg

Inmate Name Francis Grandinetti Number A-0185087 PSD Housing Location H8BASg
 To Mailroom officers FCC/CCA (Wright/Hernandez) Date 02/06/2004 Friday
 Subject (State briefly the problem on which you need assistance) One legal mail to:

"PREPAID"

DAVID J. MALAND, CLERK
 UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF TEXAS
 P. O. BOX 3507
 BEAUMONT TX 77704-3507

Court-Prisoner Legal Mail

(Two stapled pkts: Cover letter of 2/6/04 w/ typewritten COA of 4/22/03; envelope
 copy with \$3.00 ROF form dated 2/2/04, stapled.) + check

Please verify date, time, person mailing, ^{prepaid \$0.37} postage, below. F. Grandinetti

Note: If necessary, you may be interviewed in order to handle your request. Your failure to specifically state your problem may result in no action being taken.

DO NOT WRITE BELOW THIS LINE

Referred To: _____ By: _____ Date: _____

Disposition / Response

This was processed today

[Signature]
 Staff Member

3/12/04
 Date

Appointment to meet with staff

Staff member name _____

Staff member signature _____

Location of meeting _____

Time _____ Date _____

If no appointment is required initial here _____

NOTE: If this area is filled out it will be your place to meet
 with requesting staff member at the designated time.

9:25 am

REQUEST FOR SERVICE

Inmate Name Francis Grandinetti, II Number A-0185067 Housing Location 118BA
 To Notary Public - FCC Melner Date 05/30/03 Friday
 Subject (State briefly the problem on which you need assistance) Two things:

① I need my receipt please, for our appointment last week. Thank you.

② Please re-schedule follow-up appointment next week please.

Thank you.

Note: If necessary, you may be interviewed in order to handle your request. Your failure to specifically state your problem may result in no action being taken.

DO NOT WRITE BELOW THIS LINE

Referred To: _____ By: _____ Date: _____

Disposition / Response _____

Addressed

G. Melner
Staff Member

6/3/03
Date

Appointment to meet with staff

Staff member name _____

Staff member signature _____

Location of meeting _____

Time _____ Date _____

If no appointment is required initial here _____

NOTE: If this area is filled out it will be your place to meet with requesting staff member at the designated time.

ORIGINAL - INMATE

YELLOW - RESPONDENT